

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

ORIGINAL
FILED

AUG 17 2001

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

BENJAMIN MOORE,
JACINDA KNIGHT, and
ALBERT MALBOROUGH

CRIMINAL COMPLAINT

CASE NUMBER:

4 • 01 0125

WDB

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 15 and 16, 2001 in Alameda county, in t

Northern District of California defendant(s) did, (Track Statutory Language of Offense)
SEE ATTACHMENT A - List of Offenses

in violation of Title 21 United States Code, Section(s) 846 and 841(a)(1)

I further state that I am a(n) Special Agent and that this complaint is based on the following
Official Title

facts:

SEE ATTACHMENT B - Affidavit of DEA Special Agent Brandon R. H. Ito in support of the criminal complaint

PENALTIES: *** EACH COUNT HAS THE SAME PENALTY, NOTWITHSTANDING ANY PRIOR DRUG CONVICTIONS
10 years to life imprisonment, \$4 million dollar fine; 5+ years TSR, \$100 special assessment
(mandatory minimum of 10 years)

Continued on the attached sheet and made a part hereof:

☒ Yes☐ NoApproved
As To
Form:

AUSA: KIMBERLY BRIGGS

Name/Signature of Complainant:

Sworn to before me and subscribed in my presence,

8/17/01

Date

at

San Francisco, CA

City and State

Bernard Zimmerman, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A

1. Title 21, United States Code, § 846

On or about August 15, 2001, in the Northern District of California, the defendants

BENJAMIN MOORE,
JACINDA KNIGHT, and
ALBERT MALBOROUGH,

did knowingly and intentionally conspire to possess with intent to distribute a Schedule II drug controlled substance, to wit: 200 grams or more of cocaine base, in violation of Title 21, United States Code, Section 846.

2. Title 21, United States Code, § 841(a)(1)

On or about August 15, 2001, in the Northern District of California, the defendants

BENJAMIN MOORE,
JACINDA KNIGHT, and
ALBERT MALBOROUGH,

did knowingly and intentionally possess with intent to distribute a Schedule II drug controlled substance, to wit: 200 grams or more of cocaine base, in violation of Title 21, United States Code, Section 841(a)(1).

3. Title 21, United States Code, § 841(a)(1)

On or about August 15, 2001, in the Northern District of California, the defendant

BENJAMIN MOORE,

did knowingly and intentionally possess with intent to distribute a Schedule II drug controlled substance, to wit: 50 grams or more of cocaine base, in violation of Title 21, United States Code, Section 841(a)(1).

4. Title 21, United States Code, § 841(a)(1)

On or about August 15, 2001, in the Northern District of California, the defendant

ALBERT MALBOROUGH,

did knowingly and intentionally possess with intent to distribute a Schedule II drug controlled substance, to wit: 190 grams or more of cocaine base, in violation of Title 21, United States Code, Section 841(a)(1).

5. Title 21, United States Code, § 841(a)(1)

On or about August 15, 2001, in the Northern District of California, the defendant

ALBERT MALBOROUGH,

did knowingly and intentionally possess with intent to distribute a Schedule II drug controlled substance, to wit: 190 grams or more of cocaine base, in violation of Title 21, United States Code, Section 841(a)(1).

ATTACHMENT B

County of Alameda
State and Northern District of California

AFFIDAVIT

I, BRANDON R. H. ITO, BEING DULY SWORN, DEPOSE AND STATE:

1. I am a Special Agent with the Drug Enforcement Administration ("DEA") and have been so employed since July of 1998. I am currently assigned to the DEA/Oakland Police Department (OPD) Task Force in the DEA Oakland Resident Office.
2. The facts set forth in this criminal complaint are known to me as a result of my personal participation in the execution of search warrants at the homes of Benjamin Moore and Albert Malborough, and from conversations with the lead investigator in this case, Oakland Police Detective John L. Gutierrez.
3. On August 15, 2001 at approximately 8:00 a.m., the Oakland Police Department Narcotics/Vice Unit set up surveillance at the residence of Benjamin Moore located at 800 6th Street, Apartment A in Richmond, California. At approximately 2:30 p.m., Benjamin Moore and Jacinda Knight left the apartment and entered a 1987 blue GMC van, California License: 2HJS196. A surveillance team followed Moore and Knight to the In-N-Out Burger Restaurant on Fitzgerald Drive in Pinole, California, where they arrived at approximately 3:00 p.m. Moore got out of the van and appeared to look around the area as if he was waiting for someone while Knight remained in the van.
4. At approximately 3:30 p.m., Albert Malborough drove into the In-N-Out parking lot driving a 2000 gold Nissan Maxima, California License, 4MTZ527. Malborough got out of his car and met with Moore after which time Malborough and Moore got into the van. After a short conversation,

Malborough walked back to his car and drove away. Moore and Knight remained in the van in the parking lot.

5. Malborough was followed by a surveillance team when he left the parking lot. He drove to his residence at 3817 Jenkins Way, Richmond, California, arriving at approximately 3:41 p.m.

Malborough went inside his residence and stayed until approximately 4:07 p.m., when he was observed leaving the house carrying a small package wrapped in black plastic. Malborough entered the Maxima and returned to the In-N-Out Burger Restaurant parking lot where Moore and Knight were still waiting in the van. Malborough parked next to the van and got out of his car.

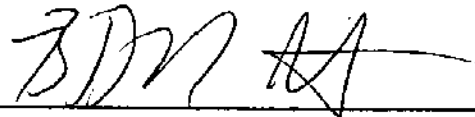
Malborough was observed carrying a small black plastic wrapped package with him from his car to Moore's van, which he entered through the side door. After a short while, Malborough left the van empty-handed and went back to his car. At approximately 4:15 p.m. both Malborough and Moore drove out of the parking lot. Malborough then drove directly back to his residence, parked and went inside while Moore and Knight then drove into Oakland.

6. At approximately 4:32 p.m., Moore and Knight were stopped by an OPD marked unit and OPD Vice/Narcotics officers in the 800 block of West MacArthur Boulevard in Oakland. Moore was driving the van, and Knight was sitting on the rear seat immediately behind the front seats. Moore and Knight were detained pursuant to the execution of a search warrant for that vehicle. During the search of the van, the black plastic wrapped package previously seen when it was carried by Malborough, was found inside Knight's black leather purse which was lying on the floor between the front and rear seats. Inside the package were fifty-three individually bagged packets of cocaine base. The total weight of the cocaine base was approximately 220 grams. Moore and Knight were arrested for possession of the cocaine base and transported to the DEA Oakland Resident Office for processing.

7. Following the arrests of Moore and Knight, members of the Oakland Police Department Vice/Narcotics Unit, the Richmond Police Department (RPD) Narcotics Unit, and agents of the DEA Oakland Resident Office, executed a search warrant at Moore's residence located at 800 6th Street, Apartment A in Richmond, California. They recovered approximately 59.8 grams of cocaine hydrochloride (powder cocaine); approximately 100 rounds of 9mm ammunition; approximately 220 rounds of 7.62 mm assault rifle ammunition; narcotics manufacturing materials; and, narcotics packaging materials at Moore's residence.
8. After the search of Moore's residence, law enforcement officers went to Malborough's residence located at 3817 Jenkins Way in Richmond, California. Surveillance had been maintained on the residence continuously from the time that Malborough returned from meeting Moore earlier that day. They entered and secured the residence while a search warrant was obtained. Malborough was found inside the residence and detained. The search warrant was executed on August 16, 2001, at approximately 12:30 a.m. RPD Canine Officer Doug Hembree and his narcotics detection canine, Maverick, conducted an initial search of the residence. Canine Maverick alerted to two (2) toy trucks in the master bedroom, and to narcotics packaging material in the kitchen. Inside the toy trucks were approximately 238.5 grams of powder cocaine and approximately 190 grams of cocaine base. Also found in the master bedroom was approximately \$21,000.00 in United States currency wrapped inside pillowcases. Malborough was arrested and transported to the DEA Oakland Resident Office for processing.
9. After being advised of, and waiving, their rights, both Moore and Knight gave tape recorded statements to Detective Gutierrez. Moore admitted that the drugs were his and that he had been trafficking narcotics for approximately 15 years. He discussed how he manufactures cocaine hydrochloride into cocaine base and also discussed the pricing of the narcotics. Knight admitted

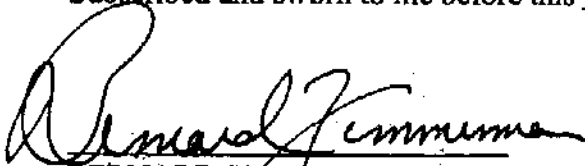
that she had been involved in narcotics trafficking for approximately one year. She explained that her role was to count the money, hand Moore the product that he was going to sell, and stay in the van.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.



BRANDON R.H. ITC
Special Agent, Drug Enforcement Administration

Subscribed and sworn to me before this 17 day of August 2001:


BERNARD ZIMMERMAN
United States Magistrate Judge